

JS 44 (Rev. 12/07, NJ 5/08)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

JO ANN DEGEORGE

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Craig Thor Kimmel, Esquire  
Kimmel & Silverman, P.C.  
30 E. Butler Pike  
Ambler, PA 19002  
(215) 540-8888

## DEFENDANTS

WORLD FINANCIAL CAPITAL BANK

County of Residence of First Listed Defendant \_\_\_\_\_

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. SECTION 1692

Brief description of cause:  
Fair Debt Collection Practices Act

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

## DEMAND \$

CHECK YES only if demanded in complaint.

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S)

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

Explanation:

DATE

SIGNATURE OF ATTORNEY OF RECORD

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 2169 William Penn Way, Lancaster, PA 17601

Address of Defendant: 4590 E. Broad Street, Columbus, OH 43213

Place of Accident, Incident or Transaction: \_\_\_\_\_  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases 15 U.S.C. 1692  
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

### ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Craig Thor Kimmel, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 4/22/11 Craig Thor Kimmel 57100  
Attorney-at-Law Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 4/22/11 Craig Thor Kimmel 57100  
Attorney-at-Law Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Jo Ann DeGeorge

CIVIL ACTION

v.

World Financial Capital Bank

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ☒

4/22/11  
Date

Craig Thor Kimmel  
Attorney-at-law

Jo Ann DeGeorge  
Attorney for

215-540-8888

877-788-2864

kimmel@creditlaw.com

Telephone

FAX Number

E-Mail Address

JO ANN DEGEORGE,  
Plaintiff  
v.  
WORLD FINANCIAL CAPITAL BANK,  
Defendant

)  
)  
)  
)  
) Case No.:  
)  
) COMPLAINT AND DEMAND FOR  
) JURY TRIAL  
)  
) (Unlawful Debt Collection Practices)

JO ANN DEGEORGE ("Plaintiff"), by her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against WORLD FINANCIAL CAPITAL BANK ("Defendant"):

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant conducts business in the Commonwealth of Pennsylvania and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

5. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

**PARTIES**

6. Plaintiff is a natural person residing in Lancaster, Pennsylvania, 17601.

7. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. §1692a(3).

8. Defendant is a national debt collection company with its principal place of business located at 4590 E. Broad Street in Columbus, Ohio, 43213.

9. Defendant is a “debt collector” as that term is defined by 15 U.S.C. §1692a(6), and sought to collect a consumer debt from Plaintiff.

10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**PRELIMINARY STATEMENT**

11. The Fair Debt Collection Practices Act (“FDCPA”) is a comprehensive statute, which prohibits a catalog of activities in connection with the collection of debts by third parties. See 15 U.S.C. § 1692 *et seq.* The FDCPA imposes civil liability on any person or entity that violates its provisions, and establishes general standards of debt collector conduct, defines abuse, and provides for specific consumer rights. 15 U.S.C. § 1692k. The operative provisions of the FDCPA declare certain rights to be provided to or claimed by debtors, forbid deceitful and misleading practices, prohibit harassing and abusive tactics, and proscribe unfair or unconscionable conduct, both generally and in a specific list of disapproved practices.

12. In particular, the FDCPA broadly enumerates several practices considered contrary to its stated purpose, and forbids debt collectors from taking such action. The substantive heart of the FDCPA lies in three broad prohibitions. First, a “debt collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.” 15 U.S.C. § 1692d. Second, a “debt

1 collector may not use any false, deceptive, or misleading representation or means in connection  
2 with the collection of any debt.” 15 U.S.C. § 1692e. And third, a “debt collector may not use  
3 unfair or unconscionable means to collect or attempt to collect any debt.” 15 U.S.C. § 1692f.  
4 The FDCPA is designed to protect consumers from unscrupulous collectors, whether or not there  
5 exists a valid debt, broadly prohibits unfair or unconscionable collection methods, conduct which  
6 harasses, oppresses or abuses any debtor, and any false, deceptive or misleading statements in  
7 connection with the collection of a debt.

8  
9 13. In enacting the FDCPA, the United States Congress found that “[t]here is  
10 abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many  
11 debt collectors,” which “contribute to the number of personal bankruptcies, to marital instability,  
12 to the loss of jobs, and to invasions of individual privacy.” 15 U.S.C. § 1692a. Congress  
13 additionally found existing laws and procedures for redressing debt collection injuries to be  
14 inadequate to protect consumers. 15 U.S.C. § 1692b.

15 14. Congress enacted the FDCPA to regulate the collection of consumer debts by debt  
16 collectors. The express purposes of the FDCPA are to “eliminate abusive debt collection  
17 practices by debt collectors, to insure that debt collectors who refrain from using abusive debt  
18 collection practices are not competitively disadvantaged, and to promote consistent State action  
19 to protect consumers against debt collection abuses.” 15 U.S.C. § 1692e.

#### 20 21 **FACTUAL ALLEGATIONS**

22 15. At all relevant times, Defendant was attempting to collect an alleged consumer  
23 debt from Plaintiff.

24 16. The alleged debt at issue arose out of transactions, which were primarily for  
25 personal, family, or household purposes.

1           17. On or about November 17, 2009, Defendant sent correspondence to Plaintiff  
2 seeking and demanding payment in the amount of \$1,119.18 for an alleged debt on a HSN credit  
3 card account. See Exhibit A, Defendant's November 17, 2009, correspondence.

4           18. Defendant identified itself to Plaintiff as "Recovery Score WFCB," when its true  
5 identity was World Financial Capital Bank, and the only purpose of which was to deceive  
6 Plaintiff.

7           19. Further, Defendant demanded payment by deceptively claiming that it had  
8 attempted to settle this matter in a friendly manner," it had "tried to appeal to [her] sense of  
9 integrity and honesty," and that Plaintiff still had "the opportunity to contact me at 1-888-788-  
10 2195 ext 7087 to authorize a payment by phone today or to discuss [her] financial situation."  
11 See Exhibit A.

12           20. Defendant's instruction to call "me" was confusing and misleading as the  
13 correspondence was signed "Recovery Score WFCB," and not with a name of an individual.  
14 See Exhibit A.

15           21. Finally, in its November 17, 2009, letter to Plaintiff, Defendant failed to identify  
16 itself as a debt collector. See Exhibit A.

17           22. Thereafter, on or about July 11, 2010, Defendant sent Plaintiff another letter  
18 seeking and demanding payment for an alleged consumer debt in the amount \$1,119.18. See  
19 Exhibit B, Defendant's July 11, 2010, correspondence.

20           23. Once again, Defendant failed to disclose its true identity as a debt collector in its  
21 letter to Plaintiff. See Exhibit B.

22           24. Defendant signed its letter, "Recovery Specialist 1-800-695-2220," which was  
23 misleading and deceptive as when the undersigned counsel contacted "1-800-695-2220," the  
24  
25



1 greeting was for "World Financial Network National Bank," not Defendant.

2 25. Defendant's use of the name "World Financial Capital Bank" in its  
3 correspondence to Plaintiff, but using the name "World Financial Network National Bank" in its  
4 telephone greeting, was deceptive to Plaintiff, as she did not know which company was  
5 attempting to collect a debt or which company she was speaking to.

6 26. Most recently on November 3, 2010, Defendant sent correspondence to Plaintiff  
7 this time identifying itself as "HSN," but still using the address of World Financial Capital  
8 Bank, again making it difficult for Plaintiff to know Defendant's true identity.

9 27. Like its prior letters to Plaintiff, Defendant again failed to identify itself as a debt  
10 collector.

11 28. Upon information and belief, after its initial correspondence with Plaintiff in  
12 November 17, 2009, Defendant failed to send Plaintiff written notification informing her of her  
13 rights to dispute the debt and/or request verification of the debt.

14 29. As a result, Plaintiff was unaware of her rights to dispute the debt or to request  
15 validation.

16 30. Defendant's actions in attempting to collect the alleged debt were harassing,  
17 abusive and highly deceptive.

#### 18 CONSTRUCTION OF APPLICABLE LAW

19 31. The FDCPA is a strict liability statute. Taylor v. Perrin, Landry, deLaunay &  
20 Durand, 103 F.3d 1232 (5th Cir. 1997). "Because the Act imposes strict liability, a consumer  
21 need not show intentional conduct by the debt collector to be entitled to damages." Russell v.  
22 Equifax A.R.S., 74 F. 3d 30 (2d Cir. 1996); see also Gearing v. Check Brokerage Corp., 233  
23  
24  
25



1 F.3d 469 (7th Cir. 2000) (holding unintentional misrepresentation of debt collector's legal status  
2 violated FDCPA); Clomon v. Jackson, 988 F. 2d 1314 (2d Cir. 1993).

3 32. The FDCPA is a remedial statute, and therefore must be construed liberally in  
4 favor of the debtor. Sprinkle v. SB&C Ltd., 472 F. Supp. 2d 1235 (W.D. Wash. 2006). The  
5 remedial nature of the FDCPA requires that courts interpret it liberally. Clark v. Capital Credit  
6 & Collection Services, Inc., 460 F. 3d 1162 (9th Cir. 2006). "Because the FDCPA, like the  
7 Truth in Lending Act (TILA) 15 U.S.C §1601 *et seq.*, is a remedial statute, it should be  
8 construed liberally in favor of the consumer." Johnson v. Riddle, 305 F. 3d 1107 (10th Cir.  
9 2002).

10 33. The FDCPA is to be interpreted in accordance with the "least sophisticated"  
11 consumer standard. See Jeter v. Credit Bureau, Inc., 760 F.2d 1168 (11th Cir. 1985); Graziano  
12 v. Harrison, 950 F. 2d 107 (3<sup>rd</sup> Cir. 1991); Swanson v. Southern Oregon Credit Service, Inc.,  
13 869 F.2d 1222 (9th Cir. 1988). The FDCPA was not "made for the protection of experts, but for  
14 the public - that vast multitude which includes the ignorant, the unthinking, and the credulous,  
15 and the fact that a false statement may be obviously false to those who are trained and  
16 experienced does not change its character, nor take away its power to deceive others less  
17 experienced." Id. The least sophisticated consumer standard serves a dual purpose in that it  
18 ensures protection of all consumers, even naive and trusting, against deceptive collection  
19 practices, and protects collectors against liability for bizarre or idiosyncratic interpretations of  
20 collection notices. Clomon, 988 F. 2d at 1318.  
21  
22  
23  
24  
25

**COUNT I**  
**DEFENDANT VIOLATED THE**  
**FAIR DEBT COLLECTION PRACTICES ACT**

34. In its actions to collect a disputed debt, Defendant violated the FDCPA in one or more of the following ways:

- a. Defendant violated of the FDCPA generally;
- b. Defendant violated §1692d of the FDCPA by harassing Plaintiff in connection with the collection of an alleged debt;
- c. Defendant violated §1692e of the FDCPA by using false, deceptive, or misleading representations or means in connection with the collection of a debt;
- d. Defendant violated §1692e(10) of the FDCPA by using false representations or deceptive means to collect or attempt to collect a debt;
- e. Defendant violated §1692e(11) of the FDCPA by failing to disclose in its subsequent communications that the communication is from a debt collector;
- f. Defendant violated §1692f of the FDCPA by using unfair and unconscionable means with Plaintiff to collect or attempt to collect a debt;
- g. Defendant violated §1692g of the FDCPA by failing to send written notification, within five (5) days after its initial communication with Plaintiff, advising Plaintiff of her rights to dispute the debt or request verification of the debt; and
- h. Defendant acted in an otherwise deceptive, unfair and unconscionable manner and failed to comply with the FDCPA.

WHEREFORE, Plaintiff, JO ANN DEGEORGE, respectfully prays for a judgment as follows:

- a. All actual compensatory damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);
- b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- c. All reasonable attorneys' fees, witness fees, court costs and other litigation costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and
- d. Any other relief deemed appropriate by this Honorable Court.


**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, JO ANN DEGEORGE, demands a jury trial in this case.

DATED: 4/22/11

RESPECTFULLY SUBMITTED,

KIMMEL & SILVERMAN, P.C.

By:   
Craig Thor Kimmel  
Attorney ID # 57100  
Kimmel & Silverman, P.C.  
30 E. Butler Pike  
Ambler, PA 19002  
Phone: (215) 540-8888  
Fax: (877) 788-2864  
Email: [kimmel@creditlaw.com](mailto:kimmel@creditlaw.com)

**WORLD FINANCIAL**  
CAPITAL BANK®

JO A DE GEORGE

8-396

Sincerely,

WD6  
0002859

**IMPORTANT NOTICE: THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**  
Send bankruptcy notices/related correspondence to PO Box 183043, Columbus, OH 43218-3043  
TDD/TTY 1-888-819-1918  
Correspondence - PO Box 183044 Columbus, OH 43218-3044  
Payment - PO Box 659707 San Antonio, TX 78265-9707





**WORLD FINANCIAL**  
CAPITAL SQUARE

|||||  
JO A DE GEORGE

July 11, 2010

8396

Dear JO A DE GEORGE :

A recent review of your HSN account reflects a balance of \$1,119.18, which remains past due. This balance is currently being reported to the credit bureau as an unpaid charge off.

In hopes of rectifying this matter, we are extending to you a one-time offer to settle your past due amount for \$559.59, which represents 50% of the balance, if payment is made within 45 days of the date of this letter. If payment is not made within 45 days, you will be required to pay the full balance in order to resolve this matter.

Please remit your payment in the envelope provided. Include your account number in the envelope to ensure your payment is applied promptly. Upon receipt of the full settlement amount, your account will be reported to the credit bureaus as "settled in full".

We are attempting to collect a debt. Any information obtained will be used for that purpose.

Thank you.

Recovery Specialist  
1-800-695-2220

2184 CAPES2

**IMPORTANT NOTICE: THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**  
Send bankruptcy notices/related correspondence to PO BOX 183043 COLUMBUS, OH 43218-3043  
TDD/TTY 1-888-819-1918

Send all general written inquiries to RECOVERY DEPARTMENT PO BOX 183004 COLUMBUS, OH 43218-3004



there's no place like...



November 3, 2010  
8396



JO A DE GEORGE

Dear JO A DE GEORGE,

World Financial Capital Bank issues HSN credit card accounts and we respond to all credit-related inquiries. Your inquiry was forwarded to my attention for review.

World Financial Capital Bank will honor your request to cease all collection attempts. However, we ask that you contact us immediately to let us know your client's intentions regarding this account.

To resolve this issue, please contact us at 1-800-305-1146.

Sincerely,

Card Holder Services

CD03 14

PO Box 183003, Columbus, OH 43218-3003  
SEND BANKRUPTCY NOTICES/RELATED CORRESPONDENCE TO  
PO Box 183043, Columbus, OH 43218-3043

